

**THE MINUTES
FOR THE APRIL 22, 2014
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
ORGANIZATIONAL MEETING
6:00 PM.**

Present: Mayor Doll, Trustees, Maline, McMullen, Milligan and Tobin, Deputy Village Clerk Catherine Romanczyk, Village Attorney, James Matthews, Police Chief Ric Bruckenthal

PUBLIC HEARINGS:

CONTINUATION OF PUBLIC HEARING BEGUN 10/15/2013

Please take Notice a public hearing of the Board of Trustees will be held at Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of October 15, 2013 to consider an Intermunicipal agreement with the Town of Huntington and the Village of Asharoken for the purpose of improving the water quality within the Northport Harbor Embayment.

On the motion of Trustee McMullen and seconded by Trustee Tobin the public hearing was closed.

PUBLIC PARTICIPATION: no one from the public spoke this evening.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee McMullen and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2014/2015 General Fund bills in the amount of \$79,316.87

On the motion of Trustee McMullen and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2014/2015 Sewer Fund bills in the amount of \$ 3,429.28

On the motion of Trustee Tobin and seconded by Trustee McMullen the following bills were approved for payment.

Fiscal Year 2014/2015 Fire Department bills in the amount of \$40,136.79

COMMISSIONER REPORTS:

Trustee Maline reported the Village is still in the interview process for the administrator's position.

Trustee McMullen reported the WWTP project is back on schedule. Also the 5th Avenue by-pass project is due to begin Monday May 5, 2014.

Trustee Tobin reported that he was working with the Chamber of Commerce on the details of the Tuesday night Happenings. He also reported that most restaurants are in compliance for outdoor dining.

Trustee Milligan reported that he would like to implement a new rate structure for docking fees: no charge during the hours of 8:00 AM till 5:00 PM; a flat fee of \$20.00 between the hours of 5:00 PM till 10:00 PM; a \$2.00 per foot for any vessel staying overnight (the \$20.00 flat will can be applied to the overnight charge).

Trustee Milligan also reported that the Town of Huntington Woodbine Marina is 2 weeks behind schedule and should be completed by mid-May. The bulkhead along that portion of the waterfront needs to be repaired and the Town is looking into how to go about this.

Mayor Doll reported the Highway Department is getting ready for spring and summer assisting with putting in the floats and readying the parks. They continue to do pothole repair and the sweepers have been out cleaning the roads.

CHIEF OF POLICE REPORT: Everything going fine. Ramping up for the summer months ahead.

ADMINISTRATOR'S REPORT: no report.

NEW BUSINESS: Carbon monoxide detectors. A resolution is on scheduling a public hearing.

OLD BUSINESS: no old business.

CORRESPONDENCE: no correspondence.

REQUESTS: Request from Northport American Legion Post 694 to hold Memorial Day Observance and parade. Monday May 26th, 2014. The board approved this request.

Request from the Northport Fire Dept. for a Parade on Sat. Oct. 18th, rain date Oct. 25th to celebrate the 125th anniversary of the Northport Volunteer Fire Dept. also request to use gazebo for different Fire Dept. bands and serve beer in an enclosed supervised area. The board approved this request.

RESOLUTIONS:

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2014 – 73~ APPROVAL OF THE MARCH 19, 2014 MINUTES

WHEREAS: Copies of the minutes of the March 19, 2014, meeting were sent to the Board for approval, therefore,
BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2014 – 74~ APPROVAL OF THE APRIL 8, 2014 MINUTES

WHEREAS: Copies of the minutes of the April 8, 2014, meeting were sent to the Board for approval, therefore,
BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2014-75 ~ PART TIME PUBLIC SAFETY DISPATCH I

BE IT RESOLVED: That Philip Fortuna Jr. an eligible candidate as certified by the Suffolk County Department of Civil Service is hereby hired as a Part time Public Safety Dispatch at an hourly rate of \$15.00/per hour.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2014- 76~ AUTHORIZING THE MAYOR TO EXECUTE A RETENTION AGREEMENT WITH COUNSEL REGARDING A CLASS ACTION ON BEHALF OF THE VILLAGE AND SIMILARLY SITUATED PUBLIC ENTITIES

WHEREAS, it is proposed that a class action would be brought on behalf of the Incorporated Village of Northport, New York (“the Village”) and other certain similarly situated states, state subdivisions, agencies and instrumentalities, and local government subdivisions and agencies, including but not limited to municipalities, cities, counties and towns (hereinafter “Public Entities”) located in certain states, that purchased or leased new vehicles manufactured between January 1, 2000 and at least February 2010.

WHEREAS, it is alleged that such Public Entities may have been injured by paying supra-competitive prices for those vehicles, based on the allegations that certain major manufacturers of automotive wire harness systems colluded to manipulate prices for those systems, which were major components in the manufacture of the vehicles, which collusive conduct may have resulted in the illegal increase in the cost such Public Entities paid for these vehicles.

WHEREAS, these allegations are supported by the longstanding investigation of the United States Department of Justice (“DOJ”) and other international competition regulators, including guilty pleas by and criminal Informations filed against certain manufacturers of automotive wire harness systems.

WHEREAS, the law firm of Morris and Morris LLC Counselors At Law has been investigating antitrust claims under federal law and the laws of certain states, including

New York, brought on behalf of Public Entities in an effort to obtain financial recovery for such Public Entities for any antitrust damages they may have suffered as a result of the alleged collusive misconduct by automotive wire harness systems manufacturers.

WHEREAS, the Firm of Morris and Morris LLC Counselors At Law, and other counsel with whom they shall associate in the prosecution of these claims (collectively "Counsel") have brought an antitrust class action on behalf of such Public Entities in the District Court of the Eastern District of Michigan, where all automotive parts antitrust actions have been transferred and consolidated for pre-trial purposes by the Multi-District Litigation Panel.

WHEREAS, the Village recognizes that the ability for itself and other similarly situated Public Entities located in the State of New York to obtain any potential recovery for these alleged antitrust injuries would be further supported by the inclusion of a New York State Public Entity as a named representative.

WHEREAS, the Village understands that there is no guarantee of recovery in connection with this antitrust class action, but that Counsel will use their best efforts in the litigation of the claims.

WHEREAS, the Village of Northport further understands that this litigation is being undertaken by Counsel on a fully contingent basis as to both any award of attorneys' fees and the reimbursement of expenses, all of which will be advanced by Counsel. Any ultimate award of attorneys' fees and reimbursement of expenses, should Counsel be successful in the prosecution of the claims through trial or settlement, shall be subject to the determination of the federal court before which the claims shall be brought in the Eastern District of Michigan and shall be payable solely out of the proceeds of the settlement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The Mayor is authorized on behalf of the Village into the Attorney Representation Agreement between the Incorporated Village of Northport, New York and Morris and Morris LLC, Counsels At Law, in a form approved by the Village Attorney, an executed copy of which shall be appended to this RESOLUTION.

The Village hereby authorizes the prosecution of claims in its name, brought on behalf of itself and similarly situated Public Entities in New York, as well as in the following other states that permit by statute indirect purchaser antitrust claims: Arizona, California, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, South Dakota, West Virginia and Wisconsin.

The Village hereby agrees to act as named representative for itself and similarly situated Public Entities in the litigation of these claims.

The Village Attorney and Village Clerk are the public officials authorized to act on behalf of the Village with respect to all matters relating to this litigation.

On the motion of Trustee Tobin and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2014 - 78: AUTHORIZING THE MAYOR TO EXECUTE A CONSULTING CONTRACT WITH GARY ROZMUS & GEI CONSULTANTS, INC. TO PERFORM ENGINEERING SERVICES FOR THE VILLAGE AS AN INDEPENDENT CONTRACTOR IN A FORM APPROVED BY THE VILLAGE ATTORNEY.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2014-79: AUTHORIZING THE MAYOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF HUNTINGTON AND THE VILLAGE OF ASHAROKEN FOR THE PURPOSE OF IMPROVING THE WATER QUALITY WITHIN NORTHPORT HARBOR EMBAYMENT IN A FORM APPROVED BY THE VILLAGE ATTORNEY.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2014-81 ~ ENGINEERING SERVICES

BE IT RESOLVED: The Village hereby authorizes the expenditure to Gannett Fleming in an amount not to exceed \$3500.00 for engineering services in regards to the Illicit Discharge Detection and Elimination (IDDE) engineering plan in compliance with the EPA letter of consent order.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2014 – 82 SET PUBLIC HEARING

PLEASE TAKE NOTICE a public hearing will be held May 6th, 2014 at 6:00 pm at village hall to consider executing an agreement with the town of Huntington to provide fire protection services for fire protection district no. 1 for a period of one year from January 1, 2014 through December 31, 2014 in the amount of one million four hundred fourteen thousand eight hundred and fifty nine dollars (\$1,414,859.00) and on such other terms and conditions as may be acceptable to the village attorney

On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2014 – 82 PROPOSED LOCAL LAW “A” OF 2014

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees having been held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 6th day of May, 2014, to consider the following proposed local law:

LOCAL LAW “A” OF 2014

**A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 106 (BUILDING CONSTRUCTION)**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTHPORT AS FOLLOWS:

Section 1. Chapter 106 of the Code of the Village of Northport is hereby amended to add the following section:

§106-18A Carbon Monoxide Detectors in places of public assembly

No later than July 1, 2014, all places of public assembly shall have operating carbon monoxide detectors which meet or exceed all applicable industry and government standards. This requirement shall apply to all existing and newly created places of public assembly. The Fire Marshal shall determine the sufficiency of the detectors, including their location and the number of such detectors. For the purposes of this requirement, places of public assembly shall mean and include (1) all Assembly Group A places and (2) Business Group B places where food and drink are consumed, as those terms are defined by the New York State Building Code,

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 3. Effective Date.

This Local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2014 - 83 ~ PROPOSED LOCAL LAW "B" OF 2014

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 6th day of May, 2014, to consider the following proposed local law:

**LOCAL LAW “B” OF 2014
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 13 (ARCHITECTURAL AND HISTORIC
REVIEW, BOARD OF) ARTICLE II (BOARD, MEMBERSHIP AND
MEETINGS) §13-5 (MEMBERSHIP; TERMS; TRAINING)
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that amending the Code of the Village to authorize the appointment of alternates to the Board of Architectural and Historic Review will benefit the efficiency and operations of the Board.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply as set forth in the amendments.

Section 4. Amendments

Explanation of notations:

Existing text is reproduced in normal type.

Text to be added is indicated in *Italics*.

Text to be deleted is indicated by ~~strikethroughs~~.

* * * indicates existing text to remain unchanged.

The code of the Incorporated Village of Northport shall be amended as follows:

Explanation of notations:
Existing zoning text is reproduced in regular type
Text to be added is indicated in *italics*.
Text to be deleted is indicated in with a ~~Strikethrough~~.
* * * Existing text to remain–

CHAPTER 13: ARCHITECTURAL AND HISTORIC REVIEW, BOARD OF

ARICLE II BOARD, MEMBERSHIP AND MEETINGS

* * *

§13-5 Membership; terms; training.

* * *

J. There shall be two alternate members of the Board of Architectural and Historic Review appointed by the Mayor, subject to the approval of the Board of Trustees, for a term of four years each. The Chairperson of the Board of Architectural and Historic Review may designate an alternate member to substitute for a member due to a conflict of interest or where a member cannot participate for other reasons. Alternates so selected shall be on a rotating basis and once designated shall possess all the powers and responsibilities of a member for the applications for which the designation has been made.

* * *

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

The next regular meeting of the Board of Trustees will be on May 6, 2014 at 6:00 P.M

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

Respectfully submitted,

Donna M. Koch
Village Clerk